(c) In such cases reasonable maintenance shall be allowed to the first wife according to her husband's means, and he shall also give her ornaments worth not less than Re. 1, and not exceeding Rs. 100.

"17. In case of Bahina-var marriages the chánllo shall not exceed one rupee.

"18. Every betrothal or marriage or natra shall be reported to the Talati for registration without fee and the amount of the chánllo agreed upon shall be stated at the same time.

The report shall be made within a week of the betrothal or marriage or natra, and the father or guardian of the bride shall be responsible for making it, and if he omits to do so, the father or guardian of the bridegroom, or if he be of full age, the bridegroom himself shall also be responsible."

RULES AND ORDERS UNDER ACT XXIII OF 1871

PENSIONS

AUTHORIZING CERTAIN OFFICERS OF THE SALT DEPARTMENT TO HEAR CLAIMS AND GRANT CERTIFICATES

Notn. No. 4247, R. D., 22nd July 1881, B. G., 1881, Pt. I, p. 397.

Under the provisions of sections 5 and 6 of the Pensions Act, 1871, His Excellency the Right Honourable the Governor in Council is pleased to authorize the Deputy and Assistant Collectors of Salt Revenue in charge of Ranges to hear and dispose of claims and grant certificates empowering a Civil Court to take cognizance of claims relating to grants of money payable on the part of Government in the Salt and Continental Customs Revenue Department, and under the provisions of section 84 of the Bombay Hereditary Offices Act, 1874, His Excellency the Right Honourable the Governor in Council is pleased to confer on the Collector of Salt Revenue all such of the powers and duties of a Revenue Commissioner and on the aforesaid officers all such of the powers and duties of a Collector under that Act as are necessary for the lawful control of and are applicable to hereditary offices connected with the said Department.

RULES UNDER SECTIONS 5, 8 AND 14 OF THE ACT

Notn. No. 10525, R. D., 29th Aug. 1917, B. G., 1917, Pt. I, p. 2021.

In exercise of the powers conferred by sections 5, 8 and 14 of the Pensions Act, 1871 (XXIII of 1871), and in supersession of the rules published in their Notification No. 6849, dated the 23rd December 1879, as subsequently amended, the Commissioners, Northern Division, Central Division and Southern Division, as the Chief Revenue Authorities in their divisions, have with the approval of Government framed the following rules, namely:—

Cases in which the following rules do not apply.

Disposal of claims concerning service pensions.

1. Claims relating to pensions or gratuities granted on account of service performed in any department of the administration, whether civil, military, naval or otherwise, shall be inquired into and disposed of in such manner as may be directed in the Civil Service Regulations or in any rules or orders for the time being in force applicable to such pensions respectively.

Disposal of claims relating to service watan allowances.

2. Claims relating to any cash payment forming part of the property of a *watan*, in respect of which no service commutation settlement has been effected, shall be inquired into and disposed of in accordance with the provisions of the Bombay Hereditary Offices Act and the rules and orders from time to time in force thereunder. In the event of any such claim being preferred to which none of the said provisions shall appear to be applicable, the orders of Government should be obtained through the proper channel previous to the disposal thereof.

Cases under rules 1 and 2 excluded.

3. Nothing in the rest of these rules applies to any pension, gratuity or cash payment to which rule 1 or rule 2 applies.

Powers and procedure of officers.

Powers of Collector and Commissioner by what officers to be exercised.

4. (1) The Collector of Bombay shall exercise the powers of a Collector for the purposes of these rules in respect of pensions or grants payable in Bombay, and the same powers shall be exercised by the Resident at Baroda, the Political Agents, Cutch, Mahi Kantha, Palanpur, and the Agent to the Governor in Kathiawar, in respect of pensions or grants payable from the treasuries at Baroda, Cutch, Sadra, Palanpur and Rajkot respectively.

(2) The Commissioner, Central Division, shall be regarded as Commissioner for the Bombay treasury and for the treasuries at Baroda, Cutch and Rajkot, and the Commissioner, Northern Division, for the Sadra and Palanpur treasuries.

Collector's power of disposal of claims under section 5 of the Act.

5. Subject to the provisions of rule 6, claims under section 5 of the Pensions Act, 1871, herein referred to as "the Act", shall be disposed of by the Collector in the following cases without reference to the higher authority :—

(*a*) cases where the pensions are transferable property.

(*b*) cases where the pensions form part of *watan* property and the dispute is between one watandar and another : Provided that in the case of claims to arrears of a share of an allowance of the kind referred to in clause (*a*) or clause (*b*), the Collector shall ordinarily issue a certificate under section 6 of the Act authorizing the Civil Court to try the same.

Previous sanction of Commissioner when necessary.

6. Except in the cases provided for in sub-rule (2) of rule 9, no claim by which the liability of Government to pay any pension or grant is affected, directly or indirectly shall be disposed of by a Collector without first obtaining the sanction of the Commissioner of the Division to the order which he proposes to pass.

Grant of certificates under section 6 of the Act.

7. (1) No certificate under section 6 of the Act shall be granted in the case of—

(*a*) saranjams,

(*b*) chouth saranjams,

(*c*) impartible political pensions.

(2) In the case of a political pension which is partible among the members of the original grantee's family, the Collector may—

(*a*) refuse a certificate with the previous sanction of the Commissioner, or

(*b*) grant a certificate with the previous sanction of Government.

Reference of claims to subordinate officers for inquiry.

8. (1) Any claim preferred to a Collector under section 5 of the Act may be referred by him for inquiry and report to any Assistant or Deputy Collector or other officer subordinate to him, and every Assistant or Deputy Collector in charge of a taluka may receive claims on behalf of the Collector and forward the same, with his opinion after inquiry, to the Collector.

(2) No order disposing of any matter referred to an Assistant or Deputy Collector or other subordinate officer as aforesaid shall be passed by such officer on his own authority.

Manner of disposal of claims.

9. (1) Claims relating to pensions or grants shall be disposed of in accordance with—

(*a*) the law, if any, for the time being in force applicable to such claims;

(*b*) the terms and conditions of the sanad or other document, if any, under which such pensions or grants are enjoyed;

(*c*) the rules or orders of Government for the time being in force if applicable to such claims.

(2) But if any claim is brought, the subject matter of which has been already inquired into and disposed of by competent authority, the Collector shall merely record the fact of such previous decision and dispose of the claim accordingly.

Manner of payment and arrears.

Payments generally to be annual.

10. All payments of pensions or grants are usually to be made in one lump sum for the year commencing on the 1st May and ending on the 30th April, but applications for their payment by monthly or quarterly instalments may be considered and disposed of by the Collector.

Payment generally in full.

11. Pensions and grants, for the payment of which application is duly made at the proper time, will be paid in full, except in cases where payment is suspended

pending the orders of a Civil Court or pending inquiries by Government or by any officer of Government.

Payment of arrears.

12. (1) Where, owing to failure to apply or other neglect on the part of a claimant, payment falls into arrear, the pension or grant will be paid as follows :—

For the current year, in full.

First and second years' arrears, in full.

Third year's arrears, subject to a deduction of 10 per cent.

Fourth year's arrears, subject to a deduction of 15 per cent.

Fifth year's arrears, subject to a deduction of 20 per cent.

(2) No deduction shall be made under this rule from arrears of payments due—

(*a*) on account of village devasthan allowances not exceeding Rs. 5 per annum in amount, or

(*b*) under compensation bonds.

(3) In this rule, " current year " means the year within which payment is properly due under rule 19.

Payment of arrears due to deceased persons.

13. Subject to the provisions of rule 11, sub-divisional officers may authorize the payment of arrears due to a deceased person after such investigation as shall satisfy them—

(*a*) of the actual date of such person's death, and

(*b*) that the applicant is entitled as such person's legal heir, or otherwise, to receive payment.

Pension or grant not drawn for a certain period to lapse.

14. (1) The Mámlatdár shall strike off any pension or grant for payment of which no application is duly made for more than six years, or, in the case of a Hardas Gosávi's allowance, two years ; and all arrears shall thereupon be forfeited.

Re-admission.

15. Where a pension or grant which has been struck off under rule 14 was held under a permanent or hereditary title, the Collector may sanction re-admission of the same, without payment of arrears, if a claim thereto is duly preferred under section 5 of the Act within 12 years from the date of the last payment.

Date of applications for arrears to be noted.

16. The date on which application for payment was made must be noted by the disbursing officer on all bills for arrears.

Place of payment.

17. Pensions or grants will be paid at the following places, namely :—

(*a*) if payable on behalf of a religious institution—(i) when the amount of the pension or grant exceeds Rs. 5 per annum, or, whatever the amount, when there is no hereditary patel in the village in which such institution is situated—at the treasury of the district in which the institution is situate ; (ii) when the amount does not exceed Rs. 5 per annum and there is an officiating hereditary patel in such village—through such patel ;

(*b*) if payable on behalf of a religious institution in foreign territory—at the nearest Government treasury ;

(*c*) if the pension or grant is personal—at the treasury most convenient to the recipient.

Transfer of payment.

18. Orders for transfer of payment under rule 17 will be made by the Collector if the transfer sought is from one treasury to another within the same district ; by the Commissioner, if the transfer sought is from a treasury in one district to a treasury in another district within the same division ; and by Government in any other case.

Time of payment.

19. (1) All pensions and grants shall be deemed to be due on the 1st May next after the completion of the year in respect of which they are payable, but shall ordinarily be payable only in the months respectively fixed, or hereafter to be fixed, by or under the orders of Government for payment of pensions and grants of the various descriptions.

(2) When payment in monthly or quarterly instalments has been directed by the Collector under rule 10, payments will be made in accordance with such direction.

Persons to whom payment will be made.

Persons to whom payment is to be made.

20. Pensions and grants will be paid only to those persons whose names have been authorizedly entered in the records as the payees thereof, or to their duly empowered attorneys or mukhtyárs, or, if they are minors, to their administrators.

Life-certificates.

21. (1) Except as is otherwise provided in rule 31, payments will be made to an attorney, mukhtyár or administrator only if he satisfies the disbursing officer by the production of a certificate, signed by a Magistrate or some other well-known person of respectability, that the payee was living on the last day of the year or other period for which the pension or grant is due.

(2) Where cash allowances are remitted by postal money order life-certificates need be obtained only once every three years.

(3) Life-certificates signed by a Taláti, Kulkarni, Táppedár, Shánbhog, Village Accountant or Police Inspector may be accepted.

Payee in case of alienable pensions or grants.

22. (1) In the case of pensions or grants which Government recognize as alienable, the name of the lawful holder for the time being shall, subject to the provisions of rules 23 to 26, be entered in the records as payee.

(2) But if any such pension or grant is continuable by Government only so long as the original grantee and certain of his descendants shall be in existence, and the payee has obtained a transfer of the same by sale, gift, mortgage, or the like, such payee must produce at the time of each payment a certificate from the Mámlatdár or Mahálkari of the táluka or mahál in which the original grantee or his descendants reside,

or, if their residence be in foreign territory, of some British officer resident in the said territory, that such grantee or his said descendants (who should invariably be named) on whose behalf payment is claimed was or were alive on the last day of the year or other period for which such payment is due.

Applications for mutation to be disposed of by Collector.

23. Applications for mutation of the payee's name in the records shall be received and disposed of by the Collector.

Procedure for mutation.

24. (1) In the case of a transfer of any pension or grant which Government recognize as alienable, mutation of the payee's name may be made on obtaining the consent in writing of the existing payee without further inquiry.

(2) In the case of the death of a payee, the Collector may require the production by the applicant of a certificate of heirship and of such other evidence as he deems fit.

(3) Whenever there is any dispute between parties, and whenever the Collector doubts whether the pension or grant is any longer continuable, the application shall be regarded by him as a claim under section 5 of the Act, and shall be dealt with accordingly.

(4) Any mutation of names rendered necessary by the decision of any claim under section 5 of the Act (including applications of the nature specified in sub-rule (3) may be made by the Collector without further investigation.

Deceased military pensioners.

25. (1) The disbursing officer shall pay arrears of pension due to the estate of a deceased Indian military pensioner, to any person whose name may have been registered in his office by the deceased pensioner as the person entitled to such payment. Pensioners should be encouraged to make such registration during their life-time.

(2) If no such registration has been made, the disbursing officer shall pay the arrears (which shall be limited to three month's arrears, except when proof is given of the exact date of the death of the pensioner) to any person who shall produce a certificate from the Collector of the district in which the deceased pensioner resided, declaring such person to be entitled to such payment.

(3) The Collector will grant such a certificate to such person as shall, upon inquiry, appear to him to be best entitled to receive payment, either as sole heir, or as a principal representative of all the heirs. For example, if the pensioner has left a widow and sons, the certificate will be given to the eldest son, if of full age, or of the widow as guardian of the sons, if the sons are minors.

Only one person ordinarily to be entered as payee.

26. (1) As a rule, the name of one person only will be entered as payee of each separate entire pension or grant.

(2) In the case of two or more joint transferees of a pension or grant which Government recognize as alienable, such transferees must elect whose name shall be so entered, and in the event of their failing so to do

within such period as shall be fixed by the Collector, the Collector shall enter the name of such one of them as he deems fit.

(3) In the case of joint heirs, the Collector shall determine who is the eldest male representative of the senior surviving branch of the original grantee's or of the transferee's family, or, in the absence of male heirs, who is the senior heiress, and shall enter his or her name as payee :

Provided that, at the request of the person thus entitled to be entered as payee, the name of any other member of the family may be substituted by the Collector for that of the said person during such person's life-time.

Joint payees and separate recognition of sharers.

27. (1) If any pension or grant has been hitherto entered in the records in the joint names of two or more persons, or if any division of a pension or grant has been recognized and the shares entered separately in the names of the respective co-sharers, such entries may hereafter be continued ; but no such new entries shall be made in the records except with the previous sanction of the Commissioner, which shall be given only under very special circumstances.

Provided that the Collector may, on written application, sanction the sub-division of a pension or grant by the disbursing officer at the time of payment by special written order in each case. This concession should, however, be granted very sparingly and only in very special cases.

(2) It is the policy of Government to disallow and discourage the partition of pensions and cash allowances and the entry of new names in the registers.

Payments to joint payees when their joint receipt is not obtainable.

28. Whenever, in consequence of disagreements amongst joint payees or for any other reason, their joint receipt shall not be obtainable for any payment already due, the Collector may authorize such payment to be made to any one or more of such joint payees who may be willing to pass a receipt.

Payees responsible for proper distribution of pension or grant to sharers.

29. The persons recorded as the payees of pensions or grants, and the persons to whom any payment may be made under rule 28, are not necessarily entitled to appropriate the whole of such pensions, grants or payment to themselves, but are responsible for distributing the same to all co-sharers or sub-shares in the proportions to which they are respectively entitled.

Identification of payees.

Preparation of descriptive rolls.

30. (1) Except as is otherwise provided in rule 31, a descriptive roll in the form of Appendix A shall be kept by the disbursing officer of every payee entitled to receive payment of a pension or grant from him. A copy of such roll under the disbursing officer's signature shall be furnished to the payee for production by him at the time of each payment, which shall be noted therein in the manner shown in the form.

(2) The person applying for payment shall be identified by comparison with the particulars given in the descriptive roll, and the disbursing

officer should take every precaution against fraudulent personation. When the payee can write, his signature should, at the time of payment, be compared with that in the descriptive roll in the disbursing officer's possession.

Descriptive rolls and life-certificates may be dispensed with in certain cases.

31. (1) Descriptive rolls and life-certificates may be dispensed with in the case of Indians of rank and *pardah-nishin* ladies; but the disbursing officer will not on that account be exempt from the general responsibility which necessarily attaches to all payments.

(2) Descriptive rolls are not necessary in the case of pensions or grants on account of Indian religious or charitable institutions which are paid to *panches* or committees or to village patels, nor in the case of payees of allowances which have been declared to be continuable hereditarily.

Signature book.

32. (1) The disbursing officer shall, if the payee be able to write, obtain his signature in a book specially kept for the purpose, when he first presents himself to receive payment, and shall compare this signature with that in the receipt book at the time of each subsequent payment.

(2) A fresh signature book shall be prepared every ten years.

(3) Where the payee is illiterate his left thumb-impression shall be substituted for his signature and this rule shall be read accordingly.

Identification of persons not known.

33. (1) In every case in which the payee is not personally known to the disbursing officer, he shall be required to bring with him, when he comes to receive payment, a witness known to the disbursing officer to prove his identity.

(2) The witness shall, in token of his identifying the payee, affix his signature or mark below that of the payee in the receipt book.

(3) When the payee is personally known to the disbursing officer, no such witness shall be necessary, and the disbursing officer shall himself put his initials below the signature or mark of the payee in token of his identity.

Death of payees.

Report of death of payee.

34. (1) It shall be the duty of the village officer to send to the Mámlatdár of the táluka early intimation of the death in his village of any recipient of a cash allowance or grant from Government.

(2) The Mámlatdár shall, on receipt of the intimation, note the fact in the *petakhatavahi* (táluka form No. XIII), and in case the deceased held any allowance from any other treasury or treasuries, communicate the fact to such treasury or treasuries.

Records and accounts.

Printed lists to be kept of sanctioned pensions and grants.

35. (1) The Commissioner shall cause to be prepared, under his signature, lists in English and in the vernacular of all pensions and grants in each district in his division and furnish printed copies thereof to

the Mámlatdárs, the Collectors, their Assistants and Deputies, the Accountant-General and Government.

(2) Where such lists have already been prepared under the signature of the Alienation Settlement Officer, new lists need not be prepared.

(3) The Commissioner, Central Division, shall also prepare similar lists of all pensions and grants payable in Bombay and at the Political treasuries at Baroda, Cutch, Sádra, Pálanpur and Rájkot, and furnish printed copies thereof to the Resident at Baroda, the Political Agents, Cutch, Mahi Kántha, Pálanpur, and the Agent to the Governor in Káthiáwár.

Monthly correction statements to be submitted to the Commissioner, Central Division.

36. (1) A monthly statement of all proposed alterations in, or additions to, the lists referred to in rule 35, in consequence of decisions or orders passed during the preceding month affecting the same, shall be submitted by each Collector (on such date as may be fixed for their submission in communication with the Accountant-General) to the Commissioner, Central Division.

(2) The Commissioner, Central Division, shall cause such statements to be promptly scrutinized in his office, and, after countersigning the same, shall cause duplicates thereof to be sent to the Accountant-General with the orders of the Commissioner duly recorded thereon, and shall also direct that the lists in his own office and in the various offices in the districts concerned shall be corrected accordingly. The Accountant-General shall also correct his lists in accordance with the duplicate copy of the statement so countersigned and forwarded to him.

(3) No pension or grant shall be entered in, or struck out from, the accounts or the said lists, except with the previous sanction of the Commissioner.

Accounts to be kept by disbursing officers.

37. Disbursing officers shall on the first of May of each year, or as soon after as possible prepare ledgers (*peta-khatavahis*) in accordance with the táluka form No. XIII and will keep books in the táluka form No. XIV, and will be held responsible for the correctness of the entries in these ledgers and books and for their being properly filled in from time to time.

Sanads.

Issue of sanads to payees of pensions and grants.

38. (1) Sanads in the name of the Secretary of State for India in Council will be executed by the Collectors in favour of the payee or payees for the time being of every pension or grant in respect of which the issue of such sanads has been, or may hereafter be, sanctioned by Government.

(2) Such sanads will be issued once for all, and sanads already issued by Alienation Settlement Officers, or by Collectors, or by any other officers, authorized by Government in this behalf, shall be deemed to have been issued under this rule.

(3) The terms and conditions to be inserted in these sanads will be such as Government may from time to time authorize, or as may already have been so authorized.

Registers of sanads to be kept.

39. (1) Registers of the sanads referred to in rule 38 will be kept by each Collector, and a general register by each Commissioner.

(2) The said registers shall be open to public inspection during office hours, and extracts from the same shall be obtainable, subject to the same rules and to the payment of the same fees as apply in the case of registers of the documents mentioned in section 90, sub-section (*1*), clause (*d*), of the Indian Registration Act, 1908.

Miscellaneous.

Certificate of reference to Civil Court under section 6 of the Act.

40. A certificate for reference to the Civil Court under section 6 of the Act, granted to a person claiming a right of succession to, or participation in, any pension or grant or any other right relating to any pension or grant, by a Collector under rule 5, shall be in the form of Appendix B.

Cash alienation lists to be passed in alienation office.

41. (1) The examination and passing of the monthly cash alienation lists shall be performed in the alienation branch of the office of the Commissioner, Central Division.

(2) All Collectors shall send their monthly cash alienation alteration statements to that office for approval and admission or orders. They will then be forwarded to the Accountant-General.

APPENDIX A.

(SEE RULE 30.)

Form of Descriptive Roll.

Running Number.	Number in the Alienation list or Peta Khata Wahi	Name.	Caste or Sect.	Residence.	Personal identification.	Height.	Age at the date of preparing the Roll.	Monthy, Quarterly, Half-yearly or yearly amount.	How long continuable.	Signature of the party whose Descriptive Roll is prepared.	Signature of witnesses of identification.	Signature of the officer before whom the Descriptive Roll is taken.	Date of preparing the Roll.	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Payment.

When paid.	For what period.	Amount.	To whom paid.	Signatur of the disbursing officer.	When paid.	For what period.	Amount.	To whom paid.	Signature of the disbursing officer.	When paid.	For what period.	Amount.	To whom paid.	Signature of the dispursing officer.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

APPENDIX B.

(SEE RULE 40.)

Form of Certificate.

Whereas A. B. of is desirous of preferring a claim against C. D. of to establish his right to

(*here state clearly the nature of the claim*);

This is to certify that I, E. F., Collector of do hereby authorise, under section 6 of the Pensions Act, 1871, the trial of the said claim by any Civil Court competent to try the same.

(Signed) E. F.,
Collector.

Seal of the Collector.

Dated at this day of 19 .

RULES FOR SIND

Notn. No. 4000, Commr., 23rd Oct. 1917, S. G. 1917, Pt. I, p. 1347.

In exercise of the powers conferred by sections 5, 8 and 14 of the Pensions Act, 1871 (XXIII of 1871), and in supersession of the rules published in his notification No. 5753, dated the 14th December 1881, as subsequently amended, the Commissioner in Sind, as the chief revenue authority in Sind, has, with the approval of Government, framed the following rules, namely :—

RULES MADE BY THE COMMISSIONER IN SIND UNDER THE PENSIONS ACT, 1871

Cases in which the following rules do not apply.

Disposal of claims concerning service pensions.

1. Claims relating to pensions or gratuities granted on account of service performed in any department of the administration, whether civil, military, naval or otherwise, shall be inquired into and disposed of in such manner as may be directed in the Civil Service Regulations or in any rules or orders for the time being in force applicable to such pensions respectively.

Cases under rule 1 excluded.

2. Nothing in the rest of these rules applies to any pension, gratuity or cash payment to powers and procedure of officers to which rule 1 applies.

Collector's power of disposal of claims under section 5 of the Act.

3. (1) Subject to the provisions of rule 4, claims under section 5 of the Pensions Act, 1871, herein referred to as "the Act" shall, in cases where the pensions are transferable property, be disposed of by the Collector without reference to higher authority.

Provided that in the case of claims to arrears of a share of an allowance of the above nature the Collector shall, except in the case of impartible pensions, ordinarily issue a certificate under section 6 of the Act authorising the Civil Court to try the same.

(2) In the case of all impartible pensions and such political pensions as are partible among the members of the original grantee's family, the sanction of the Commissioner shall first be obtained.

Previous sanction of the Commissioner in Sind when necessary.

4. Except in the case provided for in sub-rule (2) of rule 6, no claim by which the liability of Government to pay any pension or grant is affected, directly or indirectly, shall be disposed of by a Collector without first obtaining the sanction of the Commissioner in Sind.

Reference of claims to subordinate officers for enquiry.

5. (1) Any claim preferred to a Collector under section 5 of the Act may be referred by him for enquiry and report to any Assistant or Deputy Collector or other officer subordinate to him, and every Assistant or Deputy Collector in charge of a taluka may receive claims on behalf of the Collector and forward the same, with his opinion after inquiry, to the Collector.

(2) No order disposing of any matter referred to an Assistant or Deputy Collector or other subordinate officer as aforesaid shall be passed by such officer on his own authority.

Manner of disposal of claims.

6. (1) Claims relating to pensions or grants shall be disposed of in accordance with—

(*a*) the law, if any, for the time being in force applicable to such claims;

(*b*) the terms and conditions of the sanad or other documents, if any, under which such pensions or grants are enjoyed;

(*c*) the rules or orders of Government for the time being in force if applicable to such claims.

(2) But if any claim is brought, the subject matter of which has been already enquired into and disposed of by competent authority, the Collector shall merely record the fact of such previous decision and dispose of the claim accordingly.

Manner of payment and arrears.

Payments generally to be annual.

7. All payments of pensions or grants are usually to be made in one lump sum for the year commencing on the 1st May and ending on the 30th April, but applications for their payment by monthly or quarterly instalments may be considered and disposed of by the Collector.

Payment generally in full.

8. Pensions and grants, for the payment of which application is duly made at the proper time, will be paid in full, except in cases where payment is suspended pending the orders of a Civil Court or pending enquiries by Government or by any officer of Government.

Payment of arrears.

9. (1) Where owing to failure to apply or other neglect on the part of a claimant payment falls into arrear, the pension or grant will be paid as follows :—

For the current year, in full.

First and second year's arrears, in full.

Third year's arrears, subject to a deduction of 10 per cent.

Fourth year's arrears, subject to a deduction of 15 per cent.

Fifth year's arrears, subject to a deduction of 20 per cent.

(2) In this rule, "current year" means the year within which payment is properly due under rule 16.

Payment of arrears due to deceased persons.

10. Subject to the provisions of rule 8, Sub-Divisional Officers may authorize the payment of arrears due to a deceased person after such investigation as shall satisfy them—

(*a*) of the actual date of such person's death, and

(*b*) that the applicant is entitled, as such person's legal heir or otherwise, to receive payment.

Pension or grant not drawn for a certain period to lapse.

11. The Mukhtiarkar shall strike off any pension or grant for payment of which no application is duly made for more than six years ; and all arrears shall thereupon be forfeited.

Re-admission.

12. Where a pension or grant which has been struck off under rule 11 was held under a permanent or hereditary title, the Collector may sanction re-admission of the same, without payment of arrears, if a claim thereto is duly preferred under section 5 of the Act within 12 years from the date of the last payment.

Date of applications for arrears to be noted.

13. The date on which application for payment was made must be noted by the disbursing officer on all bills for arrears.

Place of payment.

14. Pensions or grants will be paid at the following places, namely :—

(*a*) if payable on behalf of a religious institution, at the treasury of the district or taluka in which the institution is situated ;

(*b*) if payable on behalf of a religious institution in foreign territory, at the nearest Government treasury ;

(*c*) if the pension or grant is personal, at the treasury most convenient to the recipient.

Transfer of payment.

15. Orders for transfer of payment under rule 14 will be made by the Collector if the transfer sought is from one treasury to another within the same district ; by the Commissioner in Sind, if the transfer sought is from a treasury in one district to a treasury in another district within the province of Sind ; and by Government in any other case.

Time of payment.

16. (1) All pensions and grants shall be deemed to be due on the 1st May next after the completion of the year in respect of which they are payable, but shall

ordinarily be payable only in the months respectively fixed, or hereafter to be fixed, by or under the orders of Government for payment of pensions and grants of the various descriptions.

(2) When payment in monthly or quarterly instalments has been directed by the Collector under rule 7, payments will be made in accordance with such direction.

Persons to whom payment will be made.

Persons to whom payment is to be made.

17. Pensions and grants will be paid only to those persons whose names have been authorizedly entered in the records as the payees thereof, or to their duly empowered attorneys or mukhtiars or, if they are minors, to their administrators.

Life certificates.

18. (1) Except as is otherwise provided in rule 28, payments will be made to an attorney, mukhtiar or administrator only if he satisfies the disbursing officer by the production of a certificate, signed by a Magistrate or by some other well known person of respectability, that the payee was living on the last day of the year or other period for which the pension or grant is due.

(2) Where cash allowances are remitted by postal money order, life certificate need be obtained only once every three years.

(3) Life certificates signed by a Tapedar or a Police Inspector may be accepted.

Payee in case of alienable pensions or grants.

19. (1) In the case of pensions or grants which Government recognize as alienable, the name of the lawful holder for the time being shall, subject to the provisions of rules 20 to 23, be entered in the records as payee.

(2) But if any such pension or grant is continuable by Government only so long as the original grantee and certain of his descendants shall be in existence, and the payee has obtained a transfer of the same by sale, gift, mortgage or the like, such payee must produce at the time of each payment a certificate from the Mukhtiarkar of the taluka or mahal in which the original grantee or his descendants reside, or, if their residence be in foreign territory, of some British officer resident in the said territory, that such grantee or his said descendants (who should invariably be named) on whose behalf payment is claimed was or were alive on the last day of the year or other period for which such payment is due.

Applications for mutation to be disposed of by Collector.

20. Applications for mutation of the payee's name in the records shall be received and disposed of by the Collector.

Procedure for mutation.

21. (1) In the case of a transfer of any pension or grant which Government recognize as alienable, mutation of the payee's name may be made on obtaining the consent in writing of the existing payee without further inquiry.

(2) In the case of the death of a payee, the Collector may require the production by the applicant of a certificate of heirship and of such other evidence as he deems fit.

(3) Whenever there is any dispute between parties, and whenever the Collector doubts whether the pension or grant is any longer continuable, the application shall be regarded by him as a claim under section 5 of the Act, and shall be dealt with accordingly.

(4) Any mutation of names rendered necessary by the decisions of any claim under section 5 of the Act (including applications of the nature specified in sub-rule 13), may be made by the Collector without further investigation.

Deceased Military pensioners.

22. (1) The disbursing officer shall pay arrears of pension due to the estate of a deceased Indian Military pensioner, to any person whose name may have been registered in his office by the deceased pensioner as the person entitled to such payment. Pensioners should be encouraged to make such registration during their life-time.

(2) If no such registration has been made, the disbursing officer shall pay the arrears (which shall be limited to three months' arrears, except when proof is given of the exact date of the death of the pensioner) to any person who shall produce a certificate from the Collector of the district in which the deceased pensioner resided, declaring such person to be entitled to such payment.

(3) The Collector will grant such a certificate to such person as shall, upon enquiry, appear to him to be best entitled to receive payment, either as sole heir or as a principal representative of all the heirs. For example, if the pensioner has left a widow and sons, the certificate will be given to the eldest son, if of full age, or to the widow as guardian of the sons, if the sons are minors.

Only one person to be ordinarily entered as payee.

23. (1) As a rule, the name of one person only will be entered as payee of each separate entire pension or grant.

In the case of joint transferees.

(2) In the case of two or more joint transferees of a pension or grant which Government recognize as alienable, such transferees must elect whose name shall be so entered, and in the event of their failing so to do within such period as shall be fixed by the Collector, the Collector shall enter the name of such one of them as he deems fit.

(3) In the case of joint heirs, the Collector shall determine who is the eldest male representative of the senior surviving branch of the original grantee's or of the transferee's family, or, in the absence of male heirs, who is the senior heiress, and shall enter his or her name as payee :

Provided that, at the request of the person thus entitled to be entered as payee, the name of any other member of the family may be substituted by the Collector for that of the said person during such person's life-time.

Joint payees or holders of separate shares.

24. (1) Existing entries regarding names of persons who jointly hold a pension or grant or whose separate shares in a pension or grant have been hitherto recognised may hereafter be continued; but no such new entries shall be made in the records except with the previous sanction of the Commissioner in Sind, which shall be given only under very special circumstances. All new entries when sanctioned shall be brought on the cash alienation list.

(2) Provided that in special circumstances on the occasion of any particular payment the Collector may, by special written order on written application, sanction the sub-division of a pension or grant by the disbursing officer. A special entry should be made in the records, for that occasion only, of the name or names of the payees. This concession should, however, be granted very sparingly and only in very special cases.

(3) It is the policy of Government to disallow and discourage the partition of pensions and cash allowances and the entry of new names in the registers.

Payments to joint payees when their joint receipt is not obtainable.

25. Whenever, in consequence of disagreements amongst joint payees or for any other reason, their joint receipt shall not be obtainable for any payment already due, the Collector may authorize such payment to be made to any one or more of such joint payees who may be willing to pass a receipt.

Payees responsible for proper distribution of pension or grant to sharers.

26. The persons recorded as the payees of pensions or grants, and the persons to whom any payment may be made under rule 25, are not necessarily entitled to appropriate the whole of such pensions, grants or payment to themselves, but are responsible for distributing the same to all co-sharers or sub-sharers in the proportions to which they are respectively entitled.

Identification of payees.

Preparation of descriptive rolls.

27. (1) Except as is otherwise provided in rule 28, a descriptive roll in the form of Appendix A, shall be kept by the disbursing officer of every payee entitled to receive payment of a pension or grant from him. A copy of such roll under the disbursing officer's signature shall be furnished to the payee for production by him at the time of each payment, which shall be noted therein in the manner shown in the form.

(2) The person applying for payment shall be identified by comparison with the particulars given in the descriptive roll, and the disbursing officer should take every precaution against fraudulent personation When the payee can write, his signature should, at the time of payment, be compared with that in the descriptive roll in the disbursing officer's possession.

28. (1) Descriptive rolls and life certificates may be dispensed with in the case of Indians of rank and *pardahnishin ladies*; but the disbursing officer will not on that account be exempt from the general responsibility which necessarily attaches to all payments.

Descriptive rolls and life certificates may be dispensed with in certain cases.

(2) Descriptive rolls are not necessary in the case of pensions or grants on account of Indian religious or charitable institutions which are paid to *panches* or committees or other representatives of these institutions, nor in the case of payees of allowances which have been declared to be continuable hereditarily.

29. (1) The disbursing officer shall, if the payee be able to write, obtain his signature in a book specially kept for the purpose, when he first presents himself to receive payment, and shall compare this signature with that in the receipt book at the time of each subsequent payment.

Signature book.

(2) A fresh signature book shall be prepared every ten years.

(3) Where the payee is illiterate his left thumb-impression shall be substituted for his signature and this rule shall be read accordingly.

30. (1) In every case in which the payee is not personally known to the disbursing officer, he shall be required to bring with him, when he comes to receive payment, a witness known to the disbursing officer to prove his identity.

Identification of persons not known.

(2) The witness shall, in token of his identifying the payee, affix his signature or mark below that of the payee in the receipt book.

(3) When the payee is personally known to the disbursing officer, no such witness shall be necessary, and the disbursing officer shall himself put his initials below the signature or mark of the payee in token of his identity. The mark shall invariably be a thumb-impression.

Death of payees.

31. (1) It shall be the duty of the Tapadar to send to the Mukhtiarkar of the taluka early intimation of the death in his tapa of any recipient of a cash allowance or grant from Government.

Report of death of payee.

(2) The Mukhtiarkar shall, on receipt of the intimation, note the fact in the *peta khatawahi* (Taluka Form No. 24) and in case the deceased held any allowance from any other treasury or treasuries, communicate the fact to such treasury or treasuries.

Records and accounts.

32. The Commissioner in Sind shall cause to be prepared under his signature lists in English and in the vernacular of all pensions and grants in each district in the province of Sind and furnish printed copies thereof to the Mukhtiarkars, the Collectors, their Assistants and Deputies, the Accountant-General and Government.

Printed lists to be kept of sanctioned pensions and grants.

33. (1) A quarterly statement of all proposed alterations in, or additions to the lists referred to in rule 32, in consequence of decisions or orders passed during the preceding three months affecting the same, shall be submitted by each Collector on the 1st January, 1st April, 1st July and 1st October to the Commissioner in Sind.

Quarterly correction statements to be submitted to the Commissioner in Sind.

(2) The Commissioner in Sind shall, after scrutiny, countersign the same and direct that the list in his own office and in the various offices in the districts concerned shall be corrected accordingly. A copy of the statement so countersigned shall also be sent to the Accountant-General, who shall correct his lists in accordance therewith.

(3) No pension or grant shall be entered in, or struck out from, the accounts or the said lists, except with the previous sanction of the Commissioner in Sind.

34. Disbursing officer shall, on the 1st of May of each year, or as soon after as possible, prepare a ledger (*peta khatawahi*) in accordance with the Taluka Form No. 24 and will keep a book in the Taluka Form No. 12 and will be held responsible for the correctness of the entries in the ledger and book and for their being properly filled in from time to time.

Accounts to be kept by disbursing officers.

Sanads.

35. (1) Sanads in the name of the Secretary of State for India in Council will be executed by the Collectors in favour of the payee or payees for the time being of every pension or grant in respect of which the issue of such sanads has been, or may hereafter be, sanctioned by Government.

Issue of sanads to payees of pensions and grants.

(2) Such sanads will be issued once for all, and sanads already issued by the Commissioner in Sind, or by Collectors, or by any other officer authorized by Government in this behalf, shall be deemed to have been issued under this rule.

(3) The terms and conditions to be inserted in these sanads will be such as Government may from time to time authorize or as may already have been so authorised.

36. (1) Registers of the sanads referred to in rule 35 will be kept by each Collector and a general register by the Commissioner in Sind.

Register of sanads to be kept.

(2) The said registers shall be open to public inspection during office hours, and extracts from the same shall be obtainable, subject to the same rules and to the payment of the same fees as apply in the case of registers of the documents mentioned in section 90, sub-section (1), clause (*d*), of the Indian Registration Act, 1908.

Miscellaneous.

Certificate of reference to Civil Court under section 6 of the Act.

37. A certificate for reference to the Civil Court under section 6 of the Act, granted to a person claiming a right of succession to, or participation in, any pension or grant or any other right relating to any pension or grant by a Collector under rule 3, shall be in the form of Appendix B.

APPENDIX A.

(SEE RULE 27.)

Form of Descriptive Roll.

Running Number.	No. in the alienation list or khata wahi.	Name.	Caste or sect.	Residence.	Personal identification.	Height.	Age at the date of preparing the roll.	Monthly, quartely half-yearly or yearly amount.	How long continuable.	Signature of the party whose descriptive roll is prepared.	Signature of witnesses of identification.	Signature of the officer before whom the descriptive roll is taken.	Date of preparing the roll.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Payment.

When paid.	For what period.	Amount.	To whom paid.	Signature of the disbursing officer.	When paid	For what period.	Amount.	To whom paid.	Signature of the disbursing officer.	When paid.	For what period.	Amount.	To whom paid.	Signature of the disbursing officer.
1	2	3	4		6	7	8	9	10	11	12	13	14	15

B 760—8

APPENDIX B.

(SEE RULE 37.)

Form of Certificate.

Whereas A. B., of , is desirous of preferring a claim against C. D., of to establish his right to (*here state clearly the nature of the claim*) ;

This is to certify that I, E. F., Collector of do hereby authorize, under section 6 of the Pensions Act, 1871, the trial of the said claim by any Civil Court competent to try the same.

Dated at this day of 191 .

Seal of the Collector.

(Signed) E. F.,
Collector.

RULES AND ORDERS UNDER ACT III OF 1872

SPECIAL MARRIAGE

ORDER APPOINTING EX-OFFICIO REGISTRARS OF MARRIAGES AND FIXING THE SCALE OF FEES TO BE PAID TO THEM

Notn. G. D., 18th Sept. 1872, B. G., 1872, Pt. I, page 1046.

Under the provisions of section 3 of Act III of 1872, the Honourable the Governor in Council is pleased to appoint the following persons to be *ex-officio* Registrars of Marriages under that Act in the Bombay Presidency :—

For the City of Bombay ..	The Registrar and Sub-Registrar (1) appointed under Act VIII of 1871, for the District and Sub-District of Fort and Colaba under that Act.
For the Mofussil ..	The Sub-Registrars appointed under Act VIII of 1871 (1), for the Central Sub-Divisions in the Registrars' Districts under that Act as hereafter specified ; each Sub-Registrar of such Central Sub-Division to be Registrar of Marriages under Act III of 1872, for a District co-extensive with the Registrar's District in which he is employed under Act VIII of 1871 (1).
For Aden	The Registrar appointed under Act VIII of 1871 (1).

Under the provisions of section 14 of the said Act, No. III of 1872, His Excellency the Governor in Council is also pleased to lay down the

(1) Now Act XVI of 1908.